



James M. Witz

Shareholder

Co-Chair, Unfair Competition and Trade Secrets Practice Group

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Practice Areas

Unfair Competition and Trade Secrets

Litigation and Trials

Discrimination and Harassment

HR Advice and Counsel

Overview

James M. Witz is a trial lawyer who has experience with a wide range of employment issues. He is widely recognized for his knowledge in the area of non-competition and trade secret disputes, and cases involving emergency and injunctive relief. He is the co-chair of the firm's Unfair Competition and Trade Secret Practice.

Jim has obtained multiple seven figure trial verdicts in high-profile trade secret and restrictive covenant cases in courts around the United States. Jim successfully argued a trade secret matter before a Florida state court jury receiving a total judgment of approximately \$2.4 million. In addition, he secured a \$1.9 million verdict after a bench trial before the U.S. District Court for the Northern District of Illinois. In addition, in 2015, after a one week jury trial, Jim obtained a \$2.1 million verdict in Minnesota state court on behalf of his client, one of the largest verdicts ever awarded in a restrictive covenant matter in that state, as well as an award of attorneys' fees. The case was settled prior to appeal with payment of the judgment in full as well as substantial attorneys' fees.

Jim routinely handles significant emergency and preliminary injunction matters, including some of the more notable restrictive covenant and trade secret matters that have been filed in Illinois for both the prosecution and defense side. For example, on behalf of a Fortune 500 company, Jim successfully obtained emergency injunctive relief in Illinois state court against a

departing top executive based on trade secret, fiduciary duty and restrictive covenant claims, including claims under both Texas and Illinois law. Similarly, Jim successfully defended restrictive covenant and trade secret claims on behalf of a senior executive of one of the nation's largest data companies, obtaining both a denial of a request for preliminary injunctive relief and also a dismissal order invalidating the executive's restrictive covenant agreement.

Jim has argued restrictive covenant and trade secret matters before the nation's higher courts as well, obtaining rulings that have been frequently cited in subsequent opinions. Jim successfully convinced the 5th Circuit Court of Appeals that a Texas district court had misapplied applicable Texas trade secret law as well as the federal standard for injunctive relief and obtained an order reversing the District Court's denial of a preliminary injunction.

Jim's clients have included some of the nation's largest and most successful companies, as well as smaller businesses and start-ups in a variety of industries, including insurance brokerage, data and advertising, printing, professional services and consulting, staffing and recruiting, large equipment manufacturing, medical devices and technology, software and food service and ingredients.

Furthermore, Jim counsels clients throughout the country regarding employee hiring, termination and related matters, including the drafting and implementation of effective employment agreements, confidentiality policies and restrictive covenants. He has led internal investigations of senior employees for multiple clients.

Jim is a frequent speaker on restrictive covenant and trade secret matters, and has authored or contributed commentary on such matters for leading legal publications.

Complementing his unfair competition and trade secrets practice, Jim also has extensive experience in commercial employment litigation and contract matters, as well as in more standard employment litigation claims involving:

- Title VII of the Civil Rights Act
- The Age Discrimination in Employment Act (ADEA)
- The Americans with Disabilities Act (ADA)
- The Family and Medical Leave Act (FMLA)
- The Fair Labor Standards Act (FLSA)

Events & Speaking Engagements

AI in Organizations: Working Session on Best Practices for HR Leaders

Denver, CO

April 16, 2025

2024 Rocky Mountain Regional Employer Conference

Denver, CO

October 18, 2024

Everything You Need to Know About the FTC’s Final Rule on Noncompetes in 30 Minutes

April 25, 2024

Are Restrictive Covenants and Trade Secrets in Jeopardy? Updates and a Practical Plan for the Future

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

Seven Key Developments and Recommendations Affecting Your Restrictive Covenant Agreements and Unfair Competition Strategy

May 11, 2017

Unfair Competition Litigation and Electronic Information: Proactive Measures to Protect Your Secrets and Navigate Electronics

Chicago, IL

March 5, 2014

Safeguarding The Secrets of Your Success: Latest Developments in Trade Secret and Non-Competition Law

Firm Presentation, Chicago, IL

September 22, 2011

Recognition

- Named, The Best Lawyers in America® , 2025
- Named, Stand-Out Lawyer *Thomson Reuters*, 2023-2024
- Recipient, Haight, Brown and Bonesteel Award *UCLA School of Law*

Education

J.D., University of California, Los Angeles School of Law,

B.A., Wesleyan University,

Bar Admissions

Illinois

Colorado

Courts

U.S. Court of Appeals, 7th Circuit

U.S. District Court, Northern District of Illinois

Publications & Press

The Global Guide Quarterly (Quarter 2, 2024)

Littler Global Guide Quarterly

July 24, 2024

The Littler Annual Employer Survey 2024

Littler Report

May 8, 2024

Employers Expect Increased Regulatory Enforcement Amid Legislative Slowdown in Election Year, Littler Survey Finds

Press Release

May 8, 2024

Non-compete agreements – are employers already making their own minds up?

In the News

April 29, 2024

FTC Issues Final Rule Effectively Banning Workplace Non-Compete Agreements

Littler ASAP

April 23, 2024

Businesses face 'seismic shift' after FTC bans noncompetes. Here's what they should do next

In the News

April 23, 2024

FTC Bans Most New Noncompete Agreements Nationwide

In the News

April 23, 2024

Delaware Supreme Court Upholds Forfeiture for Competition Provisions, Holding Departed Partners Bargained Away Their Right to Have Their Cake and Eat It, Too

Littler ASAP

February 6, 2024

The year in unfair competition and trade secrets: 2023 developments and what is on the horizon for 2024

External Publication

January 23, 2024

The Year in Unfair Competition and Trade Secrets: 2023 Developments and What Is on the Horizon for 2024

Littler ASAP

December 20, 2023

Pending noncompete ban raising concerns

In the News

February 1, 2023

FTC proposed ban on noncompetes may face strong resistance

In the News

January 17, 2023

FTC Proposes a Ban on Noncompetes in Employment Contracts

In the News

January 12, 2023

6 Things Cos. Should Do Following FTC Noncompete Proposal

External Publication

January 12, 2023

FTC Proposes Rule Banning Non-Competes

Littler ASAP

January 5, 2023

A Veritable Blizzard of Litigator of the Week Runners-Up and Shout Outs

In the News

December 23, 2022

The Trend Continues: Illinois Imposes Additional Prerequisites and Restrictions on Employers' Use of Restrictive Covenants

Littler ASAP

August 18, 2021

President Biden Seeks to Regulate (and Potentially Ban) Non-Competes

Littler ASAP

July 9, 2021

Littler Appoints New Practice and Industry Group Chairs

Press Release

October 14, 2020

Time to Reassess Employee Nonsolicitation Clauses in Calif.

External Publication

February 9, 2019

Unfair Competition: What Happened in 2018, and What's in Store for 2019

Littler ASAP

February 8, 2019

Second California Court Adopts Position that Employee Non-Solicitation Clauses Are Invalid Restraints on Trade

Littler ASAP

January 24, 2019

Wis. Man Pleads Not Guilty To Trade Secrets Theft

In the News

July 25, 2017

What Employers Should Know About New Ill. Noncompete Law

External Publication

September 23, 2016

Overreaching Noncompetes Criticized in New York and Illinois

In the News

September 9, 2016

New Non-Compete Law Regarding Low-Wage Workers Passes in Illinois

Littler ASAP

August 31, 2016

Littler Appoints Two New Practice Group Chairs

Press Release

July 25, 2016

Federal Court Split on Consideration Needed to Enforce a Restrictive Covenant in Illinois Remains Unresolved

Littler ASAP

July 16, 2015

Illinois Appellate Court Finds Insufficient Consideration Where Employer Relied on Under Two Years Employment in Support of Noncompetition and Nonsolicitation Agreements

Littler ASAP

July 18, 2013

James (Jim) Witz Joins Littler In Chicago

Press Release

December 18, 2012

The importance of computer forensics in trade-secret litigation

Westlaw Journal Intellectual Property

October 17, 2012

Drafting and enforcing restrictive covenants: Important dos and don'ts

Westlaw Journal Intellectual Property

August 22, 2012

Non-Competition and Trade Secret Advisor

Firm Newsletter

December 16, 2010

Non-Competition and Trade Secret Advisor

Firm Newsletter

May 25, 2010

Sunbelt Rentals: Are Restrictive Covenants Becoming More Enforceable in Illinois?

FlashPoint Series

April 1, 2010